

**MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
REGIONAL COUNCIL MEETING**

May 23, 2007
MAG Office, Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Mayor James M. Cavanaugh, Goodyear, Chair	Mayor Thomas Schoaf, Litchfield Park
Mayor Mary Manross, Scottsdale, Vice Chair	Supervisor Don Stapley, Maricopa County
* Mayor Douglas Coleman, Apache Junction	Mayor Keno Hawker, Mesa
Mayor Marie Lopez Rogers, Avondale	Mayor Ed Winkler, Paradise Valley
Vice Mayor Levi Beard for Mayor Bobby Bryant, Buckeye	Mayor Bob Barrett, Peoria
Mayor Edward Morgan, Carefree	Councilmember Peggy Neely, Phoenix
Vice Mayor Dick Esser, Cave Creek	+ Vice Mayor Toni Valenzuela for
Mayor Boyd Dunn, Chandler	Mayor Art Sanders, Queen Creek
Mayor Fred Waterman, El Mirage	* President Joni Ramos, Salt River
* President Raphael Bear, Fort McDowell	Pima-Maricopa Indian Community
Yavapai Nation	+ Mayor Joan Shafer, Surprise
* Mayor Wally Nichols, Fountain Hills	# Mayor Hugh Hallman, Tempe
* Mayor Daniel Birchfield, Gila Bend	* Mayor Adolfo Gamez, Tolleson
* Governor William Rhodes, Gila River Indian Community	+ Mayor Ron Badowski, Wickenburg
Mayor Steven Berman, Gilbert	Mayor Michael LeVault, Youngtown
# Mayor Elaine Scruggs, Glendale	* Joe Lane, State Transportation Board
* Mayor Bernadette Jimenez, Guadalupe	Felipe Zubia, State Transportation Board
	F. Rockne Arnett, Citizens Transportation Oversight Committee

* Those members neither present nor represented by proxy.
Attended by telephone conference call.
+ Attended by videoconference call.

1. **Call to Order**

The meeting of the MAG Regional Council was called to order by Chair James M. Cavanaugh at 5:05 p.m.

2. **Pledge of Allegiance**

The Pledge of Allegiance was recited.

Chair Cavanaugh noted that those participating by videoconference were Mayor Joan Shafer, Surprise; Mayor Ron Badowski, Wickenburg; and Vice Mayor Toni Valenzuela, as proxy for Mayor Art Sanders, Queen Creek. Participating by teleconference were Mayor Elaine Scruggs, Glendale, and Hugh Hallman, Tempe. Chair Cavanaugh welcomed Vice Mayor Levi Beard as proxy for Mayor Bobby Bryant of Buckeye.

Chair Cavanaugh noted that materials at each place: for agenda item #7, material prepared by the Maricopa County Air Quality Department, and for agenda item #9, a bill summary chart. Chair Cavanaugh stated that parking validation and transit tickets were available from MAG staff.

Chair Cavanaugh stated that this was the last Regional Council meeting for Mayor Ed Morgan from Carefree. He noted that Mayor Morgan had served on the Council since 1999. Chair Cavanaugh recognized Mayor Morgan for his advocacy for the development of a cost allocation formula for the 2005 Census Survey that would be equitable for small jurisdictions, and thanked him for his service to the MAG region.

4. Call to the Audience

Chair Cavanaugh noted that according to MAG's public comment process, members of the audience who wish to speak are requested to fill out public comment cards. The opportunity for public comment is provided to members of the public to address the Regional Council on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

Chair Cavanaugh recognized public comment from Dianne Barker, who expressed her hope that the Suggested List of Measures would accomplish the goal of reducing dust and ozone. She stated that residents could rideshare or take a natural gas bus to help in the effort. Ms. Barker stated that the Life Cycle program is done annually to ensure that costs are in balance with revenues for RARE. Ms. Barker commented that no certification was done for 2006. Ms. Barker stated that Proposition 400 was mentioned in ADOT's 2007 certification letter, but is not a part of the 2006 Life Cycle report. She commented that no certification was received for 2006. Ms. Barker requested a response be provided. Chair Cavanaugh requested staff to follow up with Ms. Barker.

Chair Cavanaugh recognized public comment from Chuck Ullman, representing the Property Owners and Residents Association of Sun City West (PORA). Mr. Ullman expressed the objections of PORA to averaging the readings for air or noise pollution. He said that data are informative but not acceptable to residents who have to live with pollution. Mr. Ullman stated that anything that exceeds the norm for any length of time is unacceptable. Chair Cavanaugh thanked Mr. Ullman for his comments.

Chair Cavanaugh recognized public comment from Woody Thomas, who expressed his appreciation to Mayor Ed Morgan for his service to the MAG region. Mr. Thomas expanded his on comments made at the last Regional Council meeting by stating that the success of the entire state, not just Maricopa

County, hinges on the South Mountain Freeway. He added that this is more than a regional issue and urged everyone to participate and build bridges for better relationships. Chair Cavanaugh thanked Mr. Thomas for his comments.

4. Executive Director's Report

Dennis Smith, MAG Executive Director, reported that on May 11, 2007, the ADOT Audit and Fiscal Analysis Division recommended approval of the MAG Indirect Cost Plan. He extended his compliments to the MAG Fiscal Services Division on this accomplishment.

Mr. Smith reported that meetings are being scheduled for June throughout the State with the Councils of Governments and the Metropolitan Planning Organizations regarding the Statewide Reconnaissance Study, which is a part of the Building a Quality Arizona effort. The target is to have a draft list of choke points and a transportation modeling tool for discussion at the August 31st meeting of the Arizona COG/MPO Association being held in conjunction with the League of Arizona Cities and Towns Annual Conference.

Chair Cavanaugh thanked Mr. Smith for his report. No questions from the Council were noted.

5. Approval of Consent Agenda

Chair Cavanaugh stated that public comment is provided for consent items. Each speaker is provided with a total of three minutes to comment on the consent agenda. After hearing public comments, any member of the Council can request that an item be removed from the consent agenda and considered individually. He noted that agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5H, #5I, and #5K were on the consent agenda. Chair Cavanaugh asked members if they had any questions or any requests to hear an item individually. None were noted.

Mayor Dunn moved to approve consent agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5H, #5I, and #5K. Mayor Barrett seconded, and the motion carried unanimously.

5A. Approval of the April 25, 2007 Meeting Minutes

The MAG Regional Council, by consent, approved the April 25, 2007 meeting minutes.

5B. Section 5310 Elderly and Individuals with Disabilities Transportation Program Applications

The MAG Regional Council, by consent, forwarded the priority listing of applicants for FTA Elderly and Persons with Disabilities Transportation Program to the Arizona Department of Transportation. The MAG FTA Elderly and Persons with Disabilities Transportation Program Ad Hoc Committee ranked applications for the Federal Transit Administration (FTA) Section 5310 funding. FTA provides these funds to the Arizona Department of Transportation (ADOT) for capital assistance to agencies and public bodies that provide transportation services for people who are elderly and for people who have a disability. This year, 17 agencies submitted 24 applications for capital assistance awards, totaling 38 van requests, three radio requests, four walkie-talkie requests, and two software requests.

5C. MAG Human Services Coordination Transportation Plan

The MAG Regional Council, by consent, approved the MAG Human Services Coordination Transportation Plan. In June 2006, the MAG Regional Council approved the development of a plan to coordinate human services transportation in compliance with SAFETEA-LU regulations. MAG member agencies and community partners were invited to designate representatives to participate in a stakeholders group to develop the plan. The stakeholders group met from August 2006 to February 2007. The short-term strategies for the plan were approved by the MAG Regional Council in February 2007 in order that training could be offered for the Section 5310 applications. The MAG Human Services Coordinating Committee, the MAG Human Services Technical Committee, and the MAG Management Committee recommended approval of the plan.

5D. Building a Quality Arizona Resolution

The MAG Regional Council, by consent, approved the Resolution supporting Building a Quality Arizona. The Chairs and Directors of the Arizona Councils of Governments (COGs) and Metropolitan Planning Organizations (MPOs) (Arizona COG/MPO Association), as well as business leaders, the Arizona Department of Transportation (ADOT) and representatives from the Governor's Office, have been participating in a series of meetings to address statewide transportation needs. At the March 23, 2007, meeting of the Arizona COG/MPO Association, the consensus of the group was to have each COG/MPO approve a resolution supporting the Building a Quality Arizona project.

5E. Corridors of the Future Program Resolution

The MAG Regional Council, by consent, approved a resolution supporting the I-10 Freight Corridor as a Corridor of the Future. At the April 16, 2007 MAG Regional Council Executive Committee meeting, an update was provided regarding the U.S. Department of Transportation's (USDOT) National Strategy to Reduce Congestion on America's Transportation Network "Corridors of the Future" program. The Phase One proposal submitted by Wilbur Smith Associates included the I-10 freeway from California to Florida and was selected as a semifinalist in the "Corridors of the Future" program. Phase Two applications were due on or before May 25, 2007. The final three to five major "Corridors of the Future" will be selected from the Phase Two applications. MAG staff was requested to investigate opportunities to assist Wilbur Smith in their efforts to prepare their Phase Two application. MAG staff has learned that Wilbur Smith has asked the state Departments of Transportation located on the Interstate-10 (I-10) corridor to assist in their efforts to prepare the Phase Two application. The Chairman of the Arizona State Transportation Board sent a letter in support of the I-10 corridor. A resolution supportive of the efforts to include the I-10 National Freight Corridor as one of the three to five Transportation Corridors of the Future was prepared. The MAG Regional Council Executive Committee recommended forwarding the resolution to the Regional Council for approval.

5F. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a City of Phoenix project-level conformity determination prepared for a park-and-ride facility located at the southwest corner of Happy Valley Road and Interstate-17. The proposed facility will provide parking for approximately 500

vehicles. The advance construction phase of the project is programmed in FY 2008 of the FY 2007-2011 MAG Transportation Improvement Program. MAG has reviewed the project air quality assessment for compliance and concurs with the project-level conformity determination. Comments were requested by May 18, 2007. This item was on the agenda for consultation.

5G. Eight-Hour Ozone Plan

The Eight-Hour Ozone Plan is due to the Environmental Protection Agency by June 15, 2007. The region has an attainment date of June 15, 2009. Based upon air quality modeling, the plan demonstrates attainment by the ozone season of 2008 with the existing measures in place. To date, the region has two years of data with no violating monitors. In order to be in attainment, the region will need clean data at the monitors in 2006, 2007, and 2008. Public hearings on the Draft Eight-Hour Ozone Plan will be conducted on June 1 and June 4, 2007. It is anticipated that due to the tight schedule, the MAG Regional Council Executive Committee will consider taking action to adopt the plan on June 11, 2007. This item was on the agenda for information and discussion.

5H. Application Process for U.S. Department of Housing and Urban Development Stuart B. McKinney Funds for Homeless Assistance Programs

On December 8, 1999, the Regional Council approved MAG becoming the responsible entity for a year-round homeless planning process which includes submittal of the Department of Housing and Urban Development (HUD) Stuart B. McKinney Continuum of Care Consolidated Application for the MAG region. The Continuum of Care grant supports permanent and transitional housing as well as supportive services. Forty-nine homeless assistance applications were submitted this year. The Ranking and Review Committee, administered by the Valley of the Sun United Way, reviewed and scored each application. The MAG Continuum of Care Regional Committee on Homelessness approved the final rankings at the May 21, 2007 meeting. The final rankings were presented to the MAG Regional Council on May 23, 2007 for information.

5I. Resolution to Support Level or Increased Funding for Federal Human Services Programs

The MAG Regional Council, by consent, approved a resolution supporting level or increased funding for the Community Services Block Grant, the Community Development Block Grant, the Social Services Block Grant and Low-Income Home Energy Assistance Program. In April 2007, the MAG Human Services Coordinating Committee approved a motion to request the MAG Regional Council pass a resolution supporting level or increased funding for federal programs that support human services. These include the Community Services Block Grant, the Community Development Block Grant, the Social Services Block Grant and Low-Income Home Energy Assistance Program. All are facing cuts at the federal level. If these budget cuts are approved, the ability of agencies in this region to serve people in need would be greatly diminished. The MAG Management Committee recommended approval of the resolution.

5J. Approval of the Municipal Planning Areas and the 2007 MAG Socioeconomic Projections

The MAG Regional Council, by consent, approved the Municipal Planning Areas and the 2007 MAG socioeconomic projections of population, housing and employment for July 1, 2010, 2020 and 2030 by Municipal Planning Area and Regional Analysis Zone for use in all regional planning activities. In accordance with Executive Order 95-2, MAG prepares subregional socioeconomic projections. These projections are used as input to the transportation and air quality models. Using the 2005 Census Survey as the base and County projections approved by the Regional Council in December 2006, and in collaboration with member agency staff, MAG has prepared draft socioeconomic projections. The data projected are population, housing units, and employment for July 1, 2010, 2020 and 2030 by Municipal Planning Area and Regional Analysis Zone. All data, methods and assumptions used to prepare the draft projections have been reviewed by members of the MAG Population Technical Advisory Committee (POPTAC) and other member agency staff and revised based upon input received. Two drafts of the projections were also prepared for review by member agencies and revised based on comments provided. The resulting socioeconomic projections and a resolution were recommended for approval by the MAG POPTAC and subsequently by the MAG Management Committee.

5K. Update on the Regional Office Center

The MAG Regional Council, by consent, approved initiating a Title 34 procurement process for the Regional Office Center. On March 28, 2007, the Regional Council authorized MAG to enter into a Memorandum of Understanding (MOU) and to execute a lease for the MAG space in the Regional Office Center. On April 16, 2007, the MAG Regional Council Executive Committee and the Building Lease Working Group (BLWG) were provided information regarding the Government Property Lease Excise Tax (GPLET), the MAG cash flow, and alternative scenarios to the current design of the Regional Office Center. The Executive Committee/BLWG recommended moving forward with the original schematic design of the Regional Office Center. On April 19, 2007, the Regional Public Transportation Authority (RPTA) Board approved a 30-day continuance on the action regarding the Regional Office Center in order to receive additional information. MAG and RPTA staff have met to address these questions. On May 14, 2007, a report was made to the Executive Committee regarding the remaining financial and legal issues. The Executive Committee recommended initiating a Title 34 procurement process for the Regional Office Center.

6. Proposed Major Amendment to Delete SR 153 from the MAG Regional Transportation Plan

Eric Anderson, MAG Transportation Director, provided a report on a proposed major amendment to delete SR 153 from the MAG Regional Transportation Plan. He stated that the City of Phoenix and the Arizona Department of Transportation have been working on a proposal to remove SR 153/Sky Harbor Expressway from the Regional Freeway System and using the available funding for improvements to SR 143. Mr. Anderson said that if approved, the ownership of SR 153 would be transferred to the City of Phoenix to be used for access to the airport and better access to I-10.

Mr. Anderson stated that there are reasons for improving SR 143 instead of SR 153. He said that SR 153 would not directly connect to I-10 at 40th Street, it complicates the I-10 Collector/Distributor road design, and has a lower traffic volume than SR 143. Mr. Anderson stated that improvements to SR

143 could facilitate increased security measures and better connections at I-10. He said that the project cost is estimated at \$34.4 million. Mr. Anderson stated that this change would be a major amendment to the Regional Transportation Plan. He reviewed the statutory consultation requirements for a major amendment to consult with the State Transportation Board, the Maricopa County Board of Supervisors, the Regional Public Transportation Authority, the Indian Communities, the cities and towns in Maricopa County, and the Citizens Transportation Oversight Committee. Mr. Anderson said that following the consultation, action would be taken to amend the TIP and RTP subject to air quality conformity analysis. Mr. Anderson then showed aerial photos of the current and proposed plan of the Collector/Distributor road system and pointed out how the SR 143 connection would work better than the SR 153 connection.

Chair Cavanaugh noted that no public comment cards had been received. He called for a motion.

Mayor Morgan moved approval to consult with the State Transportation Board, the Maricopa County Board of Supervisors, the Regional Public Transportation Authority, the Indian Communities, the cities and towns in Maricopa County, and the Citizens Transportation Oversight Committee, as required by A.R.S. 28-6353, on the proposal to delete SR 153 from the Regional Transportation Plan and to shift the available funding for improvements to SR 143. Councilmember Neely seconded. Chair Cavanaugh opened the floor for discussion.

Mr. Arnett asked what would happen to the already acquired right-of-way south of University to 40th Street. Mr. Anderson replied that it would be sold by ADOT and the funds shifted to the SR 143 project. Mr. Arnett asked what was paid for the right-of-way. Mr. Anderson replied that he did have that information, but the estimated present value is \$10.8 million.

Mayor Hallman stated that he would like to know that information and would also like to understand ADOT's policy on transferring assets and determining value. He expressed concern about setting a precedent for acquiring right-of-way along I-10. Mr. Anderson stated that he could get that information from ADOT.

Vice Mayor Esser asked about the funding used for SR 153 right-of-way acquisition and whether it was an issue. Mr. Anderson replied that ADOT would transfer the facility to the City of Phoenix. As part of that agreement, ADOT would turn over the facility as is. Mr. Anderson noted that in some cases, upgrades are made to facilities, but not in this case. He noted that the City of Phoenix would be responsible for all ongoing operations and maintenance, and reconfiguration costs. Mr. Anderson stated that the original 44th Street to University project was a federal earmark in the early 1990s arranged by Senator Dennis DeConcini. Mr. Anderson noted that FHWA has indicated there is no issue in regard to federal funds with transferring the facility to the City of Phoenix. Mr. Anderson stated that if Proposition 300 funds were used to acquire right-of-way for the Sky Harbor Expressway, those funds are limited to design, right-of-way and construction activities. He noted that SR 143 qualifies under that definition. Mr. Anderson added that State Highway funds could be used on the SR 143 facility also.

Mr. Zubia stated his support for the project. He stated that he would like to formalize discussions in regard to long-term maintenance agreements.

Chair Cavanaugh asked those participating electronically if they had any questions or comments. None were noted. With no further discussion, the vote on the motion passed unanimously.

7. Additional PM-10 Measures and Letter from the Environmental Protection Agency

Lindy Bauer, MAG Environmental Director, stated that on March 28, 2007, Maricopa County presented a memorandum at the MAG Regional Council meeting recommending additional PM-10 measures for the Suggested List of Measures and identifying some concerns. Ms. Bauer stated that at the meeting, the MAG Regional Council took action to approve the Suggested List of Measures to Reduce PM-10 Particulate Matter, including one measure and one modification recommended by the County, which would provide the County authority to assess liens to recover dust control costs on vacant lots, and would add “state” as an implementing entity on another measure for vacant lots.

Ms. Bauer noted that the Regional Council also directed the MAG Air Quality Technical Advisory Committee (TAC) to consider the remaining County measures at their April meeting. On April 26, 2007, the Air Quality TAC considered the remainder of the recommendations from the County. Ms. Bauer stated that the Air Quality TAC recommended that two measures from the County should be sent back to the MAG consultant for additional information. These two measures include: 1) Reduce trackout length to 25 feet before immediate cleanup is required at construction sites; 2) No visible emissions at the property line. She said that the TAC also recommended that two measures from the County should not be considered further: 1) Just in time grading for construction; 2) Modeling cumulative impacts for permitted sources of PM-10.

Ms. Bauer stated that in an April 20, 2007 letter sent to MAG, the Environmental Protection Agency expressed concern about the development of the new PM-10 Plan, the violations of the PM-10 standard occurring outside the Phoenix nonattainment area, and the development of the Eight-Hour Ozone Plan. Ms. Bauer noted that if EPA disapproves the PM-10 Plan, sanctions will be imposed. Major industries would be impacted by two-to-one offsets and about \$1 billion in federal funds would be withheld. Ms. Bauer stated that a conformity lapse occurs the day highway sanctions are imposed, which includes a possible stoppage of about \$6 billion in transportation projects, and a federal implementation plan would be imposed.

Ms. Bauer noted two suggested modifications to the Maricopa County Measures. For Measure #2, to delete the following sentence, “Just-in-time grading limitations for construction be placed in Maricopa County Rule 310 and incorporated into local grading and drainage permits,” and replace it with “Require barriers in addition to Rule 310 stabilization requirements for construction where all activity has ceased, except for sites in compliance with storm water permits.” Ms. Bauer states that the modification is in the same spirit as the original sentence.

Ms. Bauer stated that the second modification is to Item #12 on the Additional MAG Measures and Recommendations: to strike the word “continuous”; replace the word “monitors” with “samplers”; and add the following sentences, “These samplers will be operated simultaneously for five consecutive hours during operating hours for the site or facility. These samplers will not meet EPA approved methods for ambient air quality monitoring.” She noted that this is patterned after South Coast Rule 403.

Chair Cavanaugh recognized public comment from Ric Tobin, representing the Homebuilders Association, who stated that his Association is asking that the Regional Council support the recommendations of the Air Quality TAC. He said that more than two-thirds of the Committee are public agencies. Mr. Tobin stated that the TAC spent countless hours and reviewed hundreds of documents. He noted that most of the measures recommended by the TAC were recommended by a super majority. Mr. Tobin said that the TAC concluded that some of the measures incurred steep costs for the benefits received and did not recommend them. He said that the industry supported the measures that reduced emissions. Mr. Tobin stated that the EPA said to base decisions on thorough consideration of the technical information. Mr. Tobin handed out materials that included the three recommendations of the Homebuilders Association: #1) Motion to amend the approval of the recommendations and additional measures for the Suggested List of Measures to Reduce PM-10 Particulate Matter recommended by the MAG Management Committee and MAG Regional Council Executive Committee to add the word “consistent” between “increase” and “enforcement” on the first line of Item 13 to ensure the measure achieves emission reduction goals. # 2) Motion to amend the Suggested List of Measures to Reduce PM-10 Particulate Matter adopted by the MAG Regional Council on March 28, 2007, to add “consistent” before term “inspection(s)” in measures 8-10 to ensure the measures achieve emission reduction goals. #3) Motion to amend the approval of the recommendations and additional measures for the Suggested List of Measures to Reduce PM-10 Particulate Matter recommended by the MAG Management Committee and MAG Regional Council Executive Committee to reflect the need for further refinement and input of the recommended measures to assess the feasibility of these measures. Mr. Tobin requested that the Regional Council reject the Management Committee and Executive Committee recommendations and approve the TAC recommendations that were based on good technical analysis. Chair Cavanaugh thanked Mr. Tobin for his comments.

Chair Cavanaugh recognized public comment from Rusty Bowers, Executive Director of Rock Products Association. Mr. Bowers first extended his appreciation to Mr. Stephen Cleveland, Goodyear City Manager, who chairs the Air Quality Technical Advisory Committee, for his leadership and direction. Mr. Bowers stated that Measure #4 is aimed directly at his industry. He stated that his industry mines where the rocks are and where the market dictates. Mr. Bowers stated that it is a protocol invented to justify a policy to close their plants. Mr. Bowers commented on Measure #12. He commented that it will cost each plant \$160,000 to add samplers and they have more than 100 plants. Mr. Bowers stated that we have Rules 310 and 316 and the industry supports 44 measures. He requested that the Regional Council not accept Measure #12. Chair Cavanaugh thanked Mr. Bowers for his comments.

Chair Cavanaugh recognized public comment from Mr. Thomas, who stated that the region is in this situation because Maricopa County did not hire the inspectors requested by the Regional Council two years ago. Mr. Thomas stated that the housing industry makes profits of 30 to 40 percent while the residents suffer with the dust. He stated that their resistance to the measures is an example of their interest in the profit margin only. Mr. Thomas stated there is a clear corollary between dust violations and hospital admissions and the Phoenix area has the highest asthma rate in the nation.. Mr. Thomas noted that the EPA is there for people’s health. When impacts per cost per house are mentioned, he hoped the residents of this region would not be paying instead with damaged lungs and health. Chair Cavanaugh thanked Mr. Thomas for his comments.

Mayor Dunn stated that MAG was the first in the nation to have a Serious Area PM-10 Plan approved by the Environmental Protection Agency (EPA). He noted that the Serious Area Plan contained 77 measures and was commended by EPA. Mayor Dunn stated that the Plan was not enforced adequately in many cases and now this region has to implement an even more stringent Five Percent Per Year Reduction Plan. Mayor Dunn stated that last month, the Regional Council approved 42 additional measures. Since that meeting, MAG has heard from EPA that the PM-10 Plan in all likelihood will not be approved.

Mayor Dunn stated that the Plan needs to be submitted to EPA by December 31, 2007. He advised that with the plan preparation and public hearing requirements, the region is out of time. The cities, towns, the County and the Legislature all need to consider their implementation measures that are then given back to MAG for computer modeling and insertion into the Plan. Mayor Dunn stated that the MAG Management Committee and the Executive Committee realized the urgency of this matter and recommended nine additional measures in addition to the four measures requested by the County. Mayor Dunn commented that these measures are tough because the region has a tough problem to solve. He advised that the recommendations would receive further refinement and input through the implementation process. Mayor Dunn stated this is a public health issue and requires immediate action.

Mayor Dunn commented that if the Plan is disapproved by EPA, \$1.1 billion in federal transportation funds could be lost to this region. If this region goes into an air quality conformity lapse, \$6 billion in transportation projects could be stopped. Mayor Dunn stated that this county is the fastest growing county in the nation and losing transportation funding or having transportation projects stopped is not an option.

Mayor Dunn moved approval of the recommendations and additional measures for the Suggested List of Measures to Reduce PM-10 Particulate Matter recommended by the MAG Management Committee and MAG Regional Council Executive Committee, with the understanding that the actions would receive further refinement and input in the implementation process. Also to include in the motion the recommendation by staff to modify Measures #2 and #12 as follows: Measure #2, Require barriers in addition to Rule 310 stabilization requirements for construction where all activity has ceased, except for sites in compliance with storm water permits. Measure #12, Maricopa County Rules 310 and 316 be amended to provide that larger construction and mineral production facilities in excess of 50 acres be required to install two or more PM-10 samplers certified by the County. These samplers will be operated simultaneously for five consecutive hours during operating hours for the site or facility. These samplers will not meet EPA approved methods for ambient air quality monitoring. Also, that a graduated penalty system be implemented for exceeding limits at the same location. Violators who do not come into compliance would be shut down, until a demonstration is filed and accepted by the County indicating appropriate mitigation measures. Mayor Barrett seconded.

Chair Cavanaugh opened the floor for discussion.

Supervisor Stapley expressed his thanks to MAG staff for their efforts on this issue. He stated support for the modification to Measure #2. Supervisor Stapley commented that these measures are additions to the toolkit to fight dust. He commented that the challenge is the execution of the Plan. Supervisor Stapley said that no one should get a pass, because people's health is at risk. He stated that measures

implemented need to be data driven, and the County will not implement those measures with no discernable dust reduction.

Supervisor Stapley stated that he had appreciation for Measure #12, but then he studied it carefully and now has great concerns. He advised that senior level management at the County Air Quality Department feel there is no value to Measure #12. He said it was included because it was in South Coast as an option. Supervisor Stapley commented that the County is unsure what it would do with the data since the samplers are non-EPA regulated. Supervisor Stapley said that he recommended amending the motion to eliminate Measure #12 and to support the Homebuilders Association's recommendations. Supervisor Stapley said that in previous meetings, it had been noted that the County advised about difficulties associated with the speed limit on dirt roads. He advised that he was now suggesting this be added as an additional measure. Supervisor Stapley added that State Statute allows the Board of Supervisors to decrease the speed if the Board determines an impact to the ambient air quality.

Chair Cavanaugh noted that additional measures could be handled in separate motions.

Supervisor Stapley moved to amend the motion to delete Measure #12. Mayor Schoaf seconded.

Vice Chair Manross asked for clarification of Measure #12. Ms. Bauer responded by saying that having the samplers on large construction and mineral production sites more than 50 acres in size would help site owners keep emissions down and not be in violation of Rules 310 and 316.

Vice Chair Manross asked about the sampler equipment not being certified by EPA. Bob Kard, Director of the Maricopa County Air Quality Department, replied that the County looked at Measure #12. He commented that samplers would be unofficial monitors. Mr. Kard advised that they would be unnecessary, due to the planned enhancements to inspection staff and the fact that the facilities under Rule 316 have a zero visibility emission provision. He said that they proposed the same for Rule 310. Mr. Kard stated that he was unsure Measure #12 would be the most cost effective option. He noted that once the County receives its monitoring van, it will have the capability to portably monitor sites, and not having Measure #12 will not be a great loss. Mr. Kard advised that if this measure is needed in the future, the County could propose a rule amendment. He said that he would like business to spend its dollars toward more cost effective options. Mr. Kard commented that Rule 316 already exists and is being enforced, also the proposal to modify Rule 310 to allow zero visible emissions at the property line.

Mayor Dunn asked Mr. Kard to clarify if he was speaking against the original Measure #12 or the modified Measure #12. Mr. Kard responded that in either case there is not a lot of return on the expense. He added that it might be nice to have some of that data, but the readings would not provide information about when the problem occurred. He noted that the samplers would monitor site specific dust emissions, not the ambient air quality. Mr. Kard stated that the level of enforcement would be far more effective with onsite staff. He advised that this measure would put a burden on industry with questionable value, and added that he would rather have onsite staff and have industry spending its dollars on watering and dust suppressants.

Mayor Dunn asked if one could say that this measure was an attempt to provide industry with a tool to assist them in watching their own, thereby making the County's job easier. Mr. Kard replied that it is

a tool that says something happened, but does not really identify the problem. He said that they are currently proposing in Rule 310 and in Senate Bill 1552 to have dust coordinators on site for projects of 50 acres or larger, which would be a more effective approach. Mayor Dunn remarked that this needed to be kept in perspective, and at this time, the measures were only recommendations. He stated that he was inclined to stay with MAG staff's recommendation.

Supervisor Stapley remarked that the measures were not just recommendations; they carried a lot more weight than recommendations.

Chair Cavanaugh asked about implementation of the measures. Mr. Kard replied that the measures would go to the implementing agencies—cities, towns, the county, or state—for consideration.

Vice Chair Manross stated that she would prefer to err on the side of being too cautious. She asked for clarification if Mr. Kard was saying the samplers would provide no benefit or would provide a small benefit. Mr. Kard replied that the samplers would provide a minimal benefit because their readings would point to a potential problem. He added that he was unsure that a site could be shut down based on a five hour time span.

Vice Chair Manross asked if there was a need to concentrate on both site specific and ambient readings. She commented that even if the samplers provide a moderate impact, she was not sure it was not worth having. Vice Chair Manross asked the amount of the burden to industry. Mr. Kard replied that he did not agree that the monitors would be as expensive as noted earlier. He added that one EPA-approved monitor costs \$50,000. Mr. Kard stated that he was not saying there was zero benefit to the samplers, and would not be a make or break for the County if it was included in the approved suggested measures. Mr. Kard said that the County added to its own rules things that go beyond the measures proposed here. He added that the County anticipates more is needed.

Councilmember Neely asked if citations could be issued based upon a machine that does not meet a standard. Mr. Kard replied that citations could not be issued because the samplers would be monitoring onsite dust, not the ambient air quality standard. Councilmember Neely commented that she needed to understand how the Regional Council could provide tools to the Air Quality Department to ensure the region was in compliance. She said that she was not sure what benefit the samplers could provide and would not be supporting the motion. Councilmember Neely commented if there is no benefit in the end, why collect data if no citations can be issued. Mr. Kard replied that was correct; a business could not be shut down based on data from a sampler. He commented that he was not sure what could be done with the data and thought there was a better way to spend money. Mr. Kard noted that the County will be proposing 78 additional staff—62 inspectors plus support staff—who will be enhancing the County's presence on site. Mr. Kard stated that the Department has received great support from the County Board of Supervisors.

Mayor Barrett asked Mr. Kard if the samplers would function as a tripwire, which would alert the County to take the van and visit the site. He added that a high reading could also forewarn a site's owner that there is an imminent problem and the owner could take action. Mr. Kard responded that there was some benefit, but the level of instantaneous readings would need to be decided because there is no set standard.

Chair Cavanaugh asked Ms. Bauer to clarify the next steps for implementation. Ms. Bauer replied that those recommendations and measures approved by the Regional Council would go on the Suggested List of Measures to Reduce PM-10. Ms. Bauer noted that each entity decides which measures are feasible for it to implement. She advised that this approach is in the South Coast District Rule 403, in which they set a level of 50 micrograms per cubic meter, one monitor upwind and one monitor downwind, and kept watch on the site.

Mayor Schoaf asked who wrote #12. Ms. Bauer replied that staff did. She added that MAG's consultant, Sierra Research, looked at a measure to establish monitoring requirements on large permitted sites. Mayor Schoaf commented that the way Measure #12 was worded, it seemed to anticipate doing something the County is saying it cannot do: "Violators who do not come into compliance would be shut down..." He asked if the whole concept of Measure #12 could be implemented. Ms. Bauer replied that staff had spoken to Mr. Kard, who indicated the County would need legislative authority to implement #12. Mayor Schoaf stated that the County would have to go to the State and the State would have to authorize the graduated system for implementing the instantaneous standard that is different from the 24-hour weighted average. Ms. Bauer replied that was correct.

Mayor Badowski informed the Council that he needed to leave for another engagement. He indicated his support for Supervisor Stapley's amendment because he did not believe there was a strong need for Measure #12.

Mayor Waterman asked about the presence of the air quality monitors. Mr. Kard replied that monitoring would continue at 24 ambient air quality sites. He noted that Measure #12 would provide samplers for sites of 50 acres or larger with dust generating activities. Mayor Waterman asked if Mr. Kard was asking to substitute a person instead of the samplers for those sites 50 acres or larger and how the EPA would react to this. Mayor Waterman commented that if the plan was for substitution, it should be in writing. Supervisor Stapley advised that the County will be increasing staffing irrespective of Measure #12.

Vice Mayor Esser asked how many facilities would be impacted by the implementation of Measure #12. Mr. Kard replied that he did not have that exact number. He commented that there are a large number of homebuilding sites and other sites larger than 50 acres. Mr. Kard also noted that the County has 5,000 currently active earth moving permits.

Chair Cavanaugh asked those participating electronically if they had any questions or comments. Mayor Shafer stated that she did not support the amendment to the main motion. Mayor Scruggs expressed that she did not support the amendment to the main motion.

Mayor Dunn stated that the measures and recommendations are only suggestions. He stated that the Legislature is working on legislation and cities and town will decide which to implement. Mayor Dunn remarked that if this region is making a statement of importance to EPA and about health, it needs to make the statement on the side of caution. These issues can be worked out in the implementation process.

Mayor LeVault expressed his agreement with Mayor Dunn to err on the side of caution. He said he also agreed with Mayor Barrett that the samplers could be a tripwire and have an inherent value that the industry is being monitored. Mayor LeVault remarked that he was all about getting results, and there are finite resources. He stated that he had worked with Mr. Kard in similar circumstances. Mayor LeVault stated that if Mr. Kard says there is no value in the samplers, he would have to come down on the side of Mr. Kard. He stated that finite resources need to be put where they are most effective.

Chair Cavanaugh stated that a yes vote on the amendment to the main motion would support deleting Measure #12. It was determined that because transportation funding was at risk, ADOT could cast a vote.

Mr. Zubia stated that Measure #12 seemed to be written in a regulatory fashion. He commented that it would take more than Regional Council action to effectuate this. Mr. Zubia stated that Measure #11 references the Legislature as the implementing body and Measure #12 would probably read better if it was worded similarly. He advised that it was not that he did not support Measure #12, but the language needs clarification, so for that reason, he would vote yes.

A roll call vote taken on the amended motion resulted in a tie vote of 11 yes and 11 no.

Mayor Hallman indicated that he voted yes because the last sentence of Measure #12, "Violators who do not come into compliance would be shut down, until a demonstration is filed and accepted by the County indicating appropriate mitigation measures," caused him problems. He remarked that the way it was written, he felt it could not be implemented without Legislative action. Mayor Hallman stated that if the last sentence was deleted, he could support Measure #12. Mayor Hallman replied that the issue is getting PM-10 monitors installed to control the dust pollution problem.

Mayor Hallman moved to approve Measure #12 with the deletion of the last sentence. Mayor Hawker seconded. Chair Cavanaugh opened the floor for discussion.

Mayor Manross noted that the second to last sentence, "Also that a graduated penalty system be implemented for exceeding limits at the same location," should also be deleted, as it would also require authority from the Legislature.

Mayor Hallman stated his acceptance to that suggestion. He indicated he would withdraw his motion and remake it to include deletion of the last two sentences, upon agreement by Mayor Hawker, who seconded the motion. Mayor Hawker noted his acceptance.

Chair Cavanaugh called for discussion of the motion, Approval of Measure #12, Maricopa County Rules 310 and 316 be amended to provide that larger construction and mineral production facilities in excess of 50 acres be required to install two or more PM-10 samplers certified by the County. These samplers will be operated simultaneously for five consecutive hours during operating hours for the site or facility. These samplers will not meet EPA approved methods for ambient air quality monitoring.

Mayor Manross commented that if the last two sentences dealing with violations and penalties were deleted, the enforcement aspect was being taken out, yet consistent enforcement was included in other measures.

Supervisor Stapley stated that he would support this amended motion. He commented that he did not think the County will implement this measure anyway, because the County ought not to implement measures that do not have discernable dust reduction value and this measure was one of those.

Mayor Dunn commented how the paragraph had been amended to retain certain language. He noted that the measure is still only a recommendation. It includes the private sector to encourage self monitoring and is still a viable recommendation that the County can consider.

Chair Cavanaugh stated that those voting yes on the motion would be supporting approval of Measure #12 with the last two sentences deleted. He noted that the County would be the implementing agency and will consider it through its process. The motion passed, with Vice Mayor Valenzuela voting no.

Supervisor Stapley moved to amend the main motion by adding the issue relating to lowering the speed limit on unpaved roads that the county controls in the nonattainment area. Councilmember Neely seconded. Ms. Bauer noted that this was a measure already included in the list as Measure #33, which limits speeds up to 15 mph on high traffic dirt roads. Supervisor Stapley and Councilmember Neely withdrew the motion and second.

Supervisor Stapley said that he would make a motion to amend the main motion to include the suggestions handed out by the Homebuilders Association. Chair Cavanaugh asked Mr. Smith to review those suggestions. Mr. Smith read: #1) Motion to amend the approval of the recommendations and additional measures for the Suggested List of Measures to Reduce PM-10 Particulate Matter recommended by the MAG Management Committee and MAG Regional Council Executive Committee to add the word “consistent” between “increase” and “enforcement” on the first line of Item 13 to ensure the measure achieves emission reduction goals. # 2) Motion to amend the Suggested List of Measures to Reduce PM-10 Particulate Matter adopted by the MAG Regional Council on March 28, 2007, to add “consistent” before term “inspection(s)” in measures 8-10 to ensure the measures achieve emission reduction goals. #3) Motion to amend the approval of the recommendations and additional measures for the Suggested List of Measures to Reduce PM-10 Particulate Matter recommended by the MAG Management Committee and MAG Regional Council Executive Committee to reflect the need for further refinement and input of the recommended measures to assess the feasibility of these measures. Mr. Smith noted that suggestions #1 and #2 refer to consistent. He commented that #3 refers to feasibility, and was probably unnecessary because each entity decides which measures are feasible for it to implement.

Supervisor Stapley moved to amend the main motion to amend the approval of the recommendations and additional measures for the Suggested list of Measures to Reduce PM-10 Particulate Matter recommended by the MAG Management Committee and MAG Regional Council Executive Committee to add the word “consistent” between “increase” and “enforcement” on the first line of Item 13 to ensure the measure achieves emission reduction goals, and to amend the Suggested list of Measures to Reduce PM-10 Particulate Matter adopted by the MAG Regional Council on March 28, 2007, to add “consistent” before term “inspection(s)” in measures 8-10 to ensure the measures achieve emission reduction goals. Mayor Hallman seconded.

Chair Cavanaugh asked if there was any discussion by members. No comments were noted. The vote taken on the motion passed unanimously.

Chair Cavanaugh asked members if there was discussion of the main motion. Hearing none, he called for a vote, which passed unanimously.

8. Approval of the Draft FY 2008 MAG Unified Planning Work Program and Annual Budget

Rebecca Kimbrough, MAG Fiscal Services Manager, stated that the Council was being requested to approve the FY 2008 MAG Unified Planning Work Program and Annual Budget. Ms. Kimbrough stated that the complete document had been included in the agenda packet that was sent to members. She noted that beginning in January 2007, presentations on the budget were provided monthly to the Management Committee, Regional Council Executive Committee, and Regional Council. Ms. Kimbrough advised that one minor change to the budget was being requested: to change the van that was being requested to a vehicle, because it is anticipated that a smaller automobile would be sufficient. Ms. Kimbrough also informed the Council that the budget is 11.8 percent less than the current year. Chair Cavanaugh thanked Ms. Kimbrough for her report. No questions from the Council were noted. Chair Cavanaugh noted that no public comment cards had been received.

Mayor Hallman moved to approve the resolution adopting the Draft FY 2008 MAG Unified Planning Work Program and Annual Budget and the member dues and assessments, with the dues and assessments using the final 2005 Census Survey numbers. Mayor Schoaf seconded, and the motion carried unanimously.

Mayor Hallman and Mayor Scruggs departed the meeting.

9. Legislative Update

Matthew Clark, MAG Senior Policy Planner, provided an update on legislative issues of interest. Mr. Clark reported that House Bill (HB) 2781 is the House budget bill. He provided a few highlights from the budget bill, including \$948,600 in funding for the Maricopa County travel reduction plan, \$448,862,400 for the Arizona Department of Transportation, and \$62 million from the State Highway Fund to the STAN account.

Mr. Clark stated that HB 2793 contains various provisions related to implementing the budget for the Department of Public Safety and the Department of Transportation for FY 2007-08. He advised that the following provisions are included in the amended bill: Extends the allowable repayment period for State Highway Fund bonds from 20 to 30 years; repeals a \$650,000 appropriation designated for railroad right-of-way acquisition adopted in Laws 2002, Chapter 328, and appropriates any unexpended or unencumbered monies to ADOT for costs related to the study, planning and acquisition of railroad right-of-way and infrastructure necessary to accommodate future freight and passenger rail service in the state's best interest; prevents the State or any political subdivision of the state from issuing permits that are necessary to establish a photo radar system; authorizes the ADOT to use up to \$10 million from the HELP fund for eligible transit capital projects in municipalities with a population of fifty thousand persons or less; and defines eligible transit capital project to mean land, buildings or motor vehicles or

a combination of land, buildings and motor vehicles that is a part of the Federal Transit Administration's Rural Public Transportation Program for municipalities with populations of less than fifty thousand persons and that is included in the Transportation Improvement Plan of a Regional Association of Governments.

Mr. Clark provided highlights from the Senate budget bill, SB 1086, including \$948,600 in funding for the Maricopa County travel reduction plan, \$453,525,400 for the Arizona Department of Transportation, and \$62 million from the State Highway Fund to the STAN account. Mr. Clark stated that the bill passed the Senate May 15th and sent to the House.

Mr. Clark reported that SB 1097 was amended to include many of the provisions in HB 2793. Chair Cavanaugh thanked Mr. Clark for his report. No questions from the Council were noted.

10. Comments from the Council

An opportunity will be provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Mayor Hawker, Chair of the 2007 Nominating Committee, reported on the deliberations of the Committee earlier that afternoon to recommend a slate for the Executive Committee. Mayor Hawker advised that Mayor Joan Shafer had decided not to reapply for the Executive Committee. He reported that the slate recommended by the Nominating Committee included Mayor James Cavanaugh as Chair, Mayor Mary Manross as Vice Chair, Councilmember Peggy Neely as Treasurer, Mayor Steve Berman, Mayor Thomas Schoaf, and Mayor Marie Lopez Rogers as At-Large Members, and himself as Past Chair. Mayor Hawker noted that three names had been submitted for the one At-Large seat—Mayor Hugh Hallman, Mayor Marie Lopez Rogers, and Mayor Fred Waterman. He stated that the Nominating Committee considered balance when making the recommendations.

Councilmember Neely extended her congratulations to Chair Cavanaugh on The Arizona Republic newspaper article that had been written about his leadership style. Councilmember Neely said that she echoed the article's viewpoint.

There being no further business, the Regional Council meeting adjourned at 7:00 p.m.

Chair

Secretary